

Remarks

Claims 1 and 38 have been amended to correct a typographical error.

The withdrawal of the rejection under 35 U.S.C. 101 is noted with appreciation.

Claims 1-34 and 38 stand finally rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,061,587 (Kucharczyk et al.). This rejection is respectfully traversed.

The Examiner, in response to the arguments presented in reply to the prior Office Action, contends that Kucharczyk et al. discloses at column 23, lines 19-27, and in Figs. 8-10, a computational modification/treatment of image data for the specific purpose of plotting a curve to demonstrate the diffusion of an injected volume in a tissue. The passage referred to by the Examiner, however, is simply expository. Kucharczyk et al. uses the curves for exposition of the fact that spatial variation is complicated; Kucharczyk et al. does not offer the construction of such curves as a service, such as for example a service capable of delivering a computationally structured estimate of a density field. For at least this reason the rejection advanced by the Examiner should be withdrawn.

The dependent claims recite still further features of applicants' invention that are not disclosed by Kucharczyk et al. The following comments are offered in respect of the dependent claims examined by the Examiner.

Regarding claim 2, the Examiner's attention is directed to line 40, column 11, of Kucharczyk et al. which makes it clear that Kucharczyk et al. is not offering any means of quantification, nor is he specifying to what lesser degree the density function is quantifiable.

Regarding claim 4, the noted passage in Kucharczyk et al. relates to the positioning a device (part of navigation in computer assisted surgery), not a service as claimed.

Regarding claim 6 and the Examiner's reference to Fig. 2, it appears the Examiner may be confusing a device with a model, which term as used in claim 6 refers to a mathematical simulation or construct, and not a physical one.

Regarding claim 7, issue is taken with the Examiner's contention. Kucharczyk et al., in the passage referenced by the Examiner, is saying that it would be desirable to

restrict a drug distribution to a desired region, a hope that is widely known and shared. Kucharczyk et al., however, does not disclose any method to do so. Furthermore, claim 7 does not involve managing the density of a drug or whatever, but instead a mathematical construct that restricts the region from which the reporting of a quantified density is made.

Regarding claim 8, it is clear from the first half of column 9 of Kucharczyk et al. that said reference throughout tells the reader how images should be taken, and not about how to construct any quantifiable construct from the images.

Regarding claims 9 and 10, Kucharczyk et al. does not have anything to do with a numerical simulation process but instead relates one experimentally obtainable result read by using one material with another that would be obtained by using a different material.

Regarding claim 32, the noted passage of Kucharczyk et al. has nothing to do with a geological process.

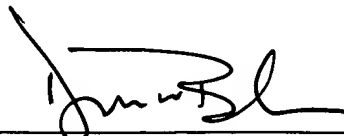
As a final comment on the dependent claims, the Examiner has indicated that many of the dependent claims have not been examined because they are dependent upon one of the unselected services. This is not seen as a valid reason for refusing to examine a dependent claim. First of all, the unexamined claims do not depend from an unselected service but instead depend from a claim. As a dependent claim, the claim further limits the claim from which it depends, and thus the claim should be considered in this context. Therefore, it is respectfully submitted that all of the dependent claims should be examined and allowed if the feature thereof is neither disclosed nor suggested by the prior art in a combination similar to that claimed.

In view of the foregoing, request is made for timely issuance of a notice of allowance.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By



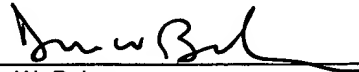
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